

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN BRICKLAYERS & ALLIED
CRAFTWORKERS HEALTH CARE FUND,
ET AL.,

Case No. 04-75023

Honorable Nancy G. Edmunds

Plaintiff(s),

v.

LAVAZZA CONCRETE, INC. and,
FRANK CIARAVINO

Defendant(s).

/

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT [14]**

This matter came before the Court on Plaintiffs' motion for default judgment. Being fully advised in the premises, having read the pleadings, and for the reasons set forth on the record, the Court hereby orders as follows:

1. Plaintiffs' motion for default judgment is GRANTED IN PART and DENIED IN PART: Plaintiff's motion is GRANTED in respect to its claims for damages; the Court does not find, however, that Plaintiff's request for injunctive relief—enjoining Defendants from transferring, selling, assigning, or disposing of assets until the judgment is satisfied—is necessary and therefore DENIES this request;
2. Plaintiffs' shall recover from Defendants, jointly and severally, the sum of FIFTY-TWO THOUSAND FIFTEEN DOLLARS AND SIXTEEN CENTS (\$52,015.16) in benefit contributions/dues for the period of September 2003 through December 2004;

3. Plaintiffs' shall recover from Defendants, jointly and severally, the sum of SIX THOUSAND FIVE HUNDRED FOUR DOLLARS AND EIGHTEEN CENTS (\$6,504.18) in audit assessments/interest;

4. Plaintiffs' shall recover from Defendants, jointly and severally, the sum of FORTY-THREE DOLLARS AND FIFTY-ONE CENTS (\$43.51) in late payment assessments;

5. Plaintiffs' shall recover from Defendants, jointly and severally, the sum of SIX THOUSAND TWO HUNDRED NINETY-TWO DOLLARS AND TWENTY-FIVE CENTS (\$6,292.25) in audit costs;

6. Plaintiffs' shall recover from Defendants, jointly and severally, the sum of EIGHT THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS AND FIFTY CENTS (\$8,492.50) in attorney's fees and litigation costs.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 21, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 21, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager